154

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Present: Mr. C.Mukhopadhya, Adv. with Mr. Sanjay Kumar & Mr. Manish Kumar, Adv. for the plaintiff.
Mr. Ranjan Mukharjee for the defendant.
Mr. Vishnu Mehra, Adv. for defendant no. 1.

+IA. No. 12069/06 in CS (OS) No.1702/1999
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1. Application by the 8 persons named in the application duly supported by their affidavits seeks impleadment as defendants. Order 1 Rule 10 of the Code of Civil Procedure 1908 has been invoked.

2. Notice. Counsel as above accepts notice for the plaintiffs and states that in view of the averments made in IA. No. 12070/06, the present application may be allowed.

3. IA No. 12069/06 is accordingly allowed. Applicants are impleaded as defendants.

4. Amended memo of parties be filed today itself.

+IA. No. 12070/06 in CS (OS) No. 1702/1999

1. This is an application under Order 23 Rule 3 of the Code of Civil Procedure. Learned counsel for the plaintiffs and defendants state that all parties including newly impleaded

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Certify that the digital file and physical file have been compared and the digital data is as per the physical file and no page is missing.

defendants who have been impleaded today itself while allowing IA. No. 12069/06 have signed the compromise application.

2. Counsel for the plaintiffs and defendants who have also signed the application state that their respective clients signed the compromise application in their presence and they vouch for the signatures of the respective parties.

3. 23 affidavits from page no. 4 to page no. 26 as per list of index accompany IA. No. 12070/06 have been filed in support of the averments made in IA. No. 12070/06.

4. Respective parties who have sworn affidavits have been identified before the local commissioner by respective counsel for the parties. Counsel affirm in court having identified their respective clients before the local commissioner when affidavits were sworn.

5. As per the application, the terms of the settlement are as recorded in the memorandum of family settlement dated 18.10.2006. The said memorandum of settlement has been signed by 23 parties who are signatories to the compromise application.

6. Since parties to the suit are related to each other and the suit seeks declaration and partition of the family firm B.Shahbudding and Co., noting that the subject matter of the

compromise settles a bona fide dispute between the parties pertaining to the winding up of the affairs of the said partnership firms, I accept IA No. 12070/06. IA. No. 12070/06 is accordingly allowed.

+CS (OS) No. 1702/1999

1. In view of the order passed herein above allowing IA. No. 12070/06, the suit stands disposed of passing a decree, terms whereof would be the terms of the memorandum of family settlement dated 18.10.2006 annexed as schedule 1 to IA. No. 12070/06.

2. Noting that certain terms of the settlement create right title and interest in movable property, decree would be drawn on adequate stamp papers to be filed of the requisite denomination for the reason decree would require registration.

3. Since suit stands disposed of, amounts deposited by parties pursuant to interim orders are directed to be refunded by the Registrar General (including accrued interest) to the respective party who made the deposit. Bank Guarantee furnished by any party pursuant to interim orders passed in the suit be returned as discharged to the party concerned.

4. No costs.

PRADEEP NANDRAJOG, J.

November 2, 2006
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